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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,983	07/06/2000	Hiroyasu Sugano	21.1962	4791

21171 7590 11/17/2003

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EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
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2155

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DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,983

Applicant(s)

SUGANO ET AL.

Examiner

DAVID Y. ENG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 1935.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

The active claims are 1-35.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 8-13 and 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi (USP 6,553,407) in view of Visser (USP 5,809,446).

Details of the rejection have already been set forth in the last Office. The details are incorporated herein by reference thereto.

Claims 1-7, 14-21 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi in view of Machida (USP 6,035,304).

With respect to claims 1-4, 14-15, see at least Figure 2 in Ouchi. Ouchi teaches a system having devices including hand-held devices (see line 61 of column 17) for exchanging information with other devices via a network (see network interfaces). The information may relate to condition of a user, such as whether the user is on vacation (see line 29 of column 19 and line 11 of column 20). The system also includes a display and graphical user interface for displaying transmitted information. Ouchi does not teach displaying of time elapsed from receiving the information. It is well known that freshness of anything is dependent on time elapsed. It would have been obvious to a person of ordinary skill in the art to display elapsed time for indicating freshness of transmitted information. Graphical circuit for displaying time differences is well known in the art. See lines 60-65 of column 12, lines 38-43 of column 14 and lines 12-13 of column 21 in Machida. It would have been obvious to a person of ordinary skill in the art to use the

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teaching of Machida for determining the time difference of two signals in Ouchi so that freshness of received information can be indicated to a user in Ouchi.

With respect to claims 16-20, Ouchi also teaches automatic forwarding. See line 7 of column 20.

Claims 21 and 32-35 do not teach the invention claimed in claims 1-4, 14-15 and 16-20 and are therefore rejected for the same reasons.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 32 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ouchi or Machida.

See MPEP section 2114. Ouchi teaches a display. Graphical user interface is inherent.

Machida also teaches a display (graphical user interface, see freshness entry 280 in Figure 16 and associating of the player with player information in Figure 58 and 59).

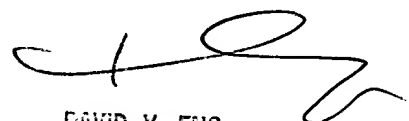
In the communication filed on 9/4/2003, Applicants contended that the claimed invention is associating a display mode (faces with degree of happiness) with freshness of information. No such limitation is recited in the claims. Rather, the claims call for a

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display or graphical user interface for displaying the display mode. Both Ouchi and Machida teach a display for displaying information (display mode) to a viewer. In Machida, the displayed information shows freshness of information. Machida associates displayed information (entry 802) with freshness of information.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



DAVID Y. ENG
PRIMARY EXAMINER